



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/885,698 06/30/97 GORDON

S 1647/47358

EXAMINER

WM02/0131

BRIAN L MICHAELIS
BROWN RUDNICK FREED & GESMER PC
ONE FINANCIAL CENTER
BOSTON MA 02111

NGUYEN, S

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/885,698

Applicant(s)
Gordon

Examiner
Steven Nguyen

Group Art Unit
2664



☒ Responsive to communication(s) filed on Nov 13, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1, 4-10, and 12-23 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4-10, and 12-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2664

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 11/17/2000, PROSECUTION IS HEREBY REOPENED. A new ground set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 2664

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 19, lines 7-8 and 11, the recitation "encoded audio data packets".

Claim 19, lines 2 and 10, the recitation "monitoring station".

Response to Amendment

4. The amendment filed 3/28/2000 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Claim 19, lines 7, 8, and 11, the recitation "encoded audio data packet".

Claim 19, lines 2 and 10, the recitation "monitoring station"

Page 7, line 30, the recitation "monitor".

Page 8, line 9, the recitation "monitoring station".

Page 8, line 11, the recitation "encoded".

Applicant is required to cancel the new matter in the reply to this Office action.

5. This action is in response to the amendment filed on 6/10/98. Claims **2-3 and 11** have been canceled and claims 1, 4-10, and 11-23 are pending in the application.

Art Unit: 2664

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (USP 6014431) in view of Guy (USP 5940479).

As claims 1 and 4-6, Mchale discloses an apparatus which includes a remote system (Fig 1) which including a converter (Fig 1, Ref 50 for splitting telephone signals into a data and audio signals) for splitting the telephone signals for providing an audio output signal. However, Mchale does not disclose an interface machine for receiving an audio signal and providing a network audio signal for transmitting via WAN by using a first sound mechanism and local system having second sound mechanism for processing received a network audio signal into a continuous audio signal. In the same field of endeavor, Guy discloses an interface machine (Fig 2 is computer has a codec, DVM and Network interface for converting telephone signals into a network audio signal by packetizing it for transmitting via WAN 104) for processing a received telephone signal into a network audio signal for transmitting via WAN (Fig 1, Ref 104) and a local system (Fig 1, Ref 143) being a multimedia computer with a sound processing software for converting a network audio signal into a continuous audio signal) having second sound mechanism for processing

Art Unit: 2664

received network audio signal into a continuous audio signal (See col 3, lines 35-40, a computer has a telephony software for processing network/analog audio signal).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to integrate a gateway for processing a telephone signal into a network audio signal for transmitting via WAN as disclosed by Guys' communication system into Mchale's communication. The suggestion/motivation would have been to reduce the cost of long distance between the users. Even without, Guy's teaching one of ordinary skill in the art would have known how to converting a telephone signal into a network audio signal because this method is well known in the art and public uses such as vocaltec software for using with a sound card.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mchale and Guys as applied to claim 1 above, and further in view of Krishnaswamy (USP 5867494).

As claim 7, Guy and Mchale fail to disclose the claimed invention. However, in the same field of endeavor, Krishnaswamy discloses a remote communication mechanism is configured to communicate with automated systems to gather status information which is transmitted by transmission signals (Fig 18).

Since Guys suggest the use of SNMP unit for monitoring the status of signal wherein the software is installed on harddisk and saved the status information on the hard drive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply Krishnaswamy's teaching such as integrating an automated system with a voice gateway

Art Unit: 2664

for monitoring the information. The suggestion/motivation would have been to reduce a long distance charge.

9. Claims 8-10 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas (PCT 9714238) in view of Solomon (USP 5974043).

As claims 8, 10, 12-19 and 21-23, Jonas discloses a remote computer for transmitting a transmission signals into a phone switch which converts into an analog audio signal (Page 11-12, lines 32-39 to lines 1-14). However, Jonas does not disclose a computer "interface machine" having a sound card for receiving and converting an analog signal into a WAN signal and a local computer for receiving a WAN signal for providing an audio signal. In the same field of endeavor, Solomon discloses a computer (Fig 10, Ref 368) having a sound card (Fig 10, Ref 366) for receiving and converting an analog signal into a WAN signal for transmitting to a local computer (Fig 1, Ref 4) which has a sound card for a voice signal from a telephone (Fig 6, Ref 63); (See col 18, lines 1-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a computer having a sound card for receiving an analog signal to provide a WAN signal for transmitting to a local computer as disclosed by Solomon into Jonas' method. The suggestion/motivation would have been to reduce the cost of long distance between the users.

As claim 9, claim 9 is similar to claim 7. Therefore, claim 9 is rejected under similar rationale.

Art Unit: 2664

As claim 20, Jonas discloses a signal converter which is implicitly disclosed at the telephone switch 600 having an impedance matching and voltage conversion between the interfaces.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN
Art Unit: 2664
January 28, 2001



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600